

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KATHERINE MARIA PINNER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:22-cv-00870-CDP
)	
AMERICAN ASSOCIATION OF)	
ORTHODONTISTS,)	
)	
Defendant.)	

DEFENDANT AMERICAN ASSOCIATION OF ORTHODONTISTS'
PROPOSED VOIR DIRE QUESTIONS

COMES NOW Defendant, American Association of Orthodontists, by and through its attorneys, Fox Smith, LLC, and submits to the Court its proposed Voir Dire questions in accordance with the Court's Order Relating to Trial dated December 10, 2024 (Doc 115).

VOIR DIRE QUESTIONS

1. The Plaintiff(s) is seated at counsel table. She is representing herself. Ms. Pinner, will you please stand? Are any of you or is any member of your immediate family to your knowledge personally acquainted with the Plaintiff, Katherine Maria Pinner, related to her by blood or marriage, or do any of you or to your knowledge does any member of your immediate family have any connection of any kind with the Plaintiff?

- a. If so, please describe the connection or relationship.
- b. Would that connection impact your ability to be fair and impartial?

2. The Defendant is the American Association of Orthodontists. Are any of you or is any member of your immediate family personally familiar with the American Association of Orthodontists, worked there at any point in time, know anyone who works at the American

Association of Orthodontists, been a member of that organization, or do any of you or to your knowledge does any member of your immediate family have any connection of any kind with the American Association of Orthodontists?

- a. If so, please describe the connection or relationship.
- b. Would that impair your ability to be fair and impartial?

3. The representative for the Defendant, their General Counsel Adam Braundmeier, is seated at counsel table. Mr. Braundmeier, will you please stand? Are any of you or is any member of your immediate family personally acquainted with Mr. Braundmeier, related to him by blood or marriage, or do any of you or to your knowledge does any member of your immediate family have any connection of any kind with Mr. Braundmeier?

- a. If so, describe the connection or relationship.
- b. Would that impair your ability to be fair and impartial?

4. The Defendant is represented by Tom Smith and Jessica Reis (pronounced "Rice"), who are seated at counsel table. Mr. Smith and Ms. Reis, will you please stand? Mr. Smith and Ms. Reis are with the law firm of Fox Smith. Are any of you or to your knowledge is any member of your immediate family personally acquainted with the Defendant's attorneys, or any of the other attorneys from their law firm? Are any of you related to them by blood or marriage, or do any of you or does any member of your immediate family have any connection of any kind with them?

- a. If so, describe the connection or relationship.
- b. Would that impair your ability to be fair and impartial?

5. Have any of you or any member of your immediate family had any social or professional dealings with the Plaintiff or the Defendant or any of its counsel?

6. In 2022, Ms. Pinner ran as a Republican candidate for St. Louis County Executive.

Did any of you read or hear anything about her campaign for County Executive?

- a. Did anyone vote for Ms. Pinner in the primary?
- b. Does anyone feel they would be more inclined to find in favor of Ms. Pinner if they voted for her in the primary election?
- c. Would you be able to put that aside?
- d. Would you be able to set aside any political or social beliefs and apply the law given to you by the Court to decide this case?

7. I am going to read a list of witnesses who may be called to testify during this trial.

Please respond if you know any of these persons:

- Aimee Snyder-Jackson
- Mindi Brothers
- Libby Dischert
- Michelle Ritterskamp
- Lauren Carr
- Kitty Castilleja-Cutts
- Sarah Dvorak
- Pam Hoffman
- Lynne Thomas Gordon

- a. Is any panel member related by family or marriage to any of the individuals that I have just named? Are you personally acquainted with these persons, or do you have

any knowledge of them, directly or indirectly, through your social, business or professional lives? Describe how you know the witness.

8. This trial may last 3 days. The exact period of time is impossible to know today. Does anyone have any immediate personal or family situation that would limit his or her ability to serve as a juror in this case for this period of time?

9. The American Association of Orthodontists or AAO is a professional organization consisting of dentists with specialized training in orthodontics. Its headquarters is located in St. Louis County. Is anyone here an orthodontist or dentist or work with orthodontists or dentists? Does anyone have any connection to AAO?

10. Does any person here have any medical disability or problem -- such as difficulty in seeing or hearing -- or any illness that might cause a problem in serving as a juror in this case?

11. Is anyone not a citizen of the United States, under the age of 18, unable to read, write or speak English, not live in this judicial district, or been convicted of a felony?

12. This case involves a claim of employment discrimination. Ms. Pinner was employed by AAO. She alleges she was terminated from her employment due to her religious beliefs. Is anyone here a religious or spiritual leader or close friends or family with a religious or spiritual leader?

a. If so, would you describe your religious connection?

b. Would that impair your ability to be fair and impartial?

13. Have any of you read or heard anything about this case from any source? Please describe.

14. Have any of you read or heard anything about lawsuits alleging religious discrimination in employment from any source? Do you have any feelings or beliefs about such lawsuits? Would that make you more inclined to side with one party or the other in this case? Could you put information from other cases you may have read about aside and decide this case on the facts you hear in this courtroom?

15. Do any of you or members of your immediate family have any legal experience or work in the legal field? If so, please describe.

16. Have any of you served as jurors in either criminal or civil cases, or as members of a grand jury, either in the state or federal courts?

- a. How was your experience?
- b. Was a verdict reached?
- c. What type of case?

17. Have any of you or has any member of your immediate family such as a spouse or child ever been a party to a lawsuit?

- a. Would you describe the case?
- b. Which party were you?
- c. What was the outcome?
- d. Would that impact your ability to hear this case and be fair to both sides?

18. Has anyone ever made a claim for money damages for any reason against their employer? For example, (1) has anyone filed a charge of employment discrimination before the EEOC or a state agency, or (2) filed a lawsuit against their current or past employer for any reason, (3) or made a workers' compensation claim?

a. If so, please describe the nature of your claim.

b. What was the outcome?

19. Does anyone currently or in the past work in Human Resources for their employer?

a. What company?

b. Were you involved in setting company policies?

c. Did you work to set policies that would apply to all workers?

d. Were there times some workers might not like the policies? How would you handle that situation?

20. Does anyone own a business? If so, what type of business and how many employees do you employ?

21. Ms. Pinner is an American Traditional Christian, Croatian Roman Catholic. Is anyone a member of that religion?

a. Since you are a member of the same religion would you be more inclined to side with someone of the same religion?

b. Would you be able to set those considerations aside to apply the law given to you by this Court to decide a case?

22. Ms. Pinner left employment with AAO in July 2021. She alleges she was constructively discharged due to her religious beliefs and being opposed to wearing a mask or providing proof of vaccination during the global pandemic. Does anyone hold any strong feelings or beliefs about the use of masks during the COVID-19 pandemic?

- a. Does anyone have strong feelings one way or another about the benefit of masks to prevent the spread of the Corona virus?
- b. Does anyone have strong feelings about the government imposing mask mandates or other requirements to prevent the spread of the virus?
- c. Does anyone have strong feelings about employers following guidelines put out by the CDC or public health departments during the pandemic?
- d. Does anyone believe wearing a face covering to prevent the spread of a virus violates their religious beliefs?

23. Does anyone personally hold any strong feelings or beliefs about COVID-19 vaccines?

- a. Does anyone believe COVID-19 vaccines were ineffective or unsafe or unnecessary?
- b. Does anyone believe COVID-19 vaccines violate their religious beliefs?

24. Is anyone opposed to vaccinations in general?

25. Has anyone ever requested a religious exemption or accommodation from their employer for any reason? If so, would you describe the situation or accommodation requested. How was the situation resolved?

26. Is anyone a member of the Roman Catholic religion?
 - a. Did you attend church services during the Covid pandemic?
 - b. Did you wear a mask?
 - c. Did your church require masks to be worn?

27. Regardless of religious denomination or belief, did anyone have to wear a mask to attend religious services?
 - a. Did you feel that was a reasonable thing to do?

28. Did anyone have to be vaccinated to attend their religious services in person?
 - a. Did you believe that was a reasonable thing to do?

29. Was anyone required by their employer to wear a face covering or provide proof of vaccination in order to go to work in person during the pandemic?
 - a. Did you follow that request by your employer?
 - b. Did you think that was a reasonable request of your employer?
 - c. Did you ever ask for any type of exemption or accommodation from your employer?

30. Does anyone have any thoughts about employers following public health policies and directives during the pandemic that might make it difficult for you to find in favor of an employer in a lawsuit involving those issues? If so, please explain.

31. Does anyone feel they might be more inclined to believe what an employee says over what their employer says in a discrimination case or vice versa, that they would believe an employer over an employee? If so, please explain.

32. Did anyone have a family member or close friend die of Covid between early 2020 and 2023?

33. Does any panel member have any feeling--thought--inclination--religious belief or persuasion--which might influence or interfere with your full and impartial consideration of this case and which might influence you either in favor of or against either the Plaintiff or the Defendant? If so, please explain.

34. You must understand that it is most important for you to keep open minds until you have heard all the evidence and received the Court's instruction concerning the law. Is there anyone here who would not be able to keep an open mind until all of the evidence is produced and the Court's instructions are received?

35. Is there anyone who would not be able or willing to render a verdict, for either party, solely on the evidence presented at the trial and the law as I give it to you in my instructions, disregarding any other ideas, notions, or beliefs about the law that you may have?

36. Finally, can any of you think of any matter that you should call to the Court's attention that may have some impact on your qualifications as a juror, or that-- even to the slightest degree -- may prevent your rendering a fair and impartial verdict based solely upon the evidence presented and my instructions as to the law?

FOX SMITH, LLC

By: /s/ Jessica M. Reis
Thomas J. Smith, #41353MO
tsmithfoxsmithlaw.com
Margaret D. Gentzen, #64862MO
mgentzen@foxsmithlaw.com
Jessica M. Reis, #69290MO
jreis@foxsmithlaw.com
One Memorial Drive, 12th Floor
St. Louis, MO 63102
(314) 588-7000
(314) 588-1965 (Fax)

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Via E-Mail and U.S. Mail

Katherine Maria Pinner
9852 Knollshire Drive
St. Louis, MO 63123
E-Mail: pinnerkay1285@aol.com

PLAINTIFF PRO SE

/s/ Jessica M. Reis